

## DATA IMPROVEMENT PLAN FOR LAVACA COUNTY

### SECTION I:

#### Legislative Requirement

Chapter 60.10, Code of Criminal Procedure (CCP) creates provisions regarding a data reporting improvement plan applicable to a county that has an average disposition completeness percentage, including both juvenile and adult dispositions, of less than 90 percent. The statute requires the commissioners court of such a county to establish a local data advisory board to prepare a data reporting improvement plan, in addition to other duties prescribed by law, and requires the plan to describe the manner in which the county intends to improve the county's disposition completeness percentage: ensure that the county takes the steps necessary for the county's average disposition completeness percentage to be equal to or greater than 90 percent in the first report DPS submits to certain state officers and agencies regarding local jurisdiction reporting on or after January 1, 2013; and include a comprehensive strategy by which the county will permanently maintain the county's disposition completeness percentage at or above 90 percent. The statute requires a local data advisory board established under the bill's provisions, not later than June 1, 2010, to submit to DPS the data reporting improvement plan prepared for the county. DPS, on receipt of a data improvement reporting plan, is required to post the plan on the DPS Internet website. The statute authorizes the public safety director of DPS to adopt rules concerning the contents and form of a data reporting improvement plan.

The Lavaca County Data Advisory Board mission is to achieve a minimum 90 percent disposition completeness rate.

### SECTION II:

#### Composition of the Local Advisory Board

The following persons have been approved by the Lavaca County Commissioners Court as members of the Lavaca County Data Advisory Board:

**Estella Grant, Lavaca County Sheriff's designee**

**Nan Udell, Assistant District Attorney**

**Stuart Fryer, Lavaca County Attorney**

**Sandra Hoelter, Lavaca County Attorney Administrative Assistant**  
**Denise Bujnoch, District Clerk designee**  
**Tena Steffek, County Clerk designee**  
**Amanda Orsak, County Clerk designee**  
**Randal Schlauch, Chief of Police, City of Hallettsville**  
**Pam Cinadr, Hallettsville Police Department administrative assistant**  
**Traci Darilek, Lavaca County Juvenile Probation Officer**  
**Linda Smith, Lavaca County Chief Probation Officer**

The above approved board members shall serve until January 1, 2013. Should a position become vacant, the Lavaca County Commissioners Court will appoint a replacement according to the board composition identified in Chapter 60, Code of Criminal Procedure.

### **SECTION III:**

#### **Process of the Flow of Information between Entities for Juvenile Offenders:**

##### **Arresting Agency:**

- 1.** The administrative assistant in each arresting agency will make a copy of the **CR-43J** form for the officer to complete. If there are multiple charges, the administrative assistant will make a copy of the **CR-44J** form for the officer to complete as well. The administrative assistant will transfer the officer's information onto a **CR-43J with an assigned Tracking Incident Number (TRN) at the top left hand of the page**, review the **CR-43J** form for completeness of information and maintain a copy of the **CR-43J** in the arresting agency's file.
- 2.** If there are multiple charges stemming from one arrest, the administrative assistant will transfer the officer's information regarding supplemental charges onto a **CR-44J(s)**. **The assistant will write the assigned CR-43J TRN in the blank TRN box located on the top left hand of the page**, review the **CR-44J** form(s) for completeness of information and maintain a copy of the **CR-44J(s)** in the arresting agency's file.
- 3.** A **CR-44J Supplemental Criminal History Reporting** form must be used for each additional charge at the time of arrest. The **CR-44J's TRN** box must be completed using the **preprinted CR-43J's TRN number** to show continuity. The **CR-44J's TRS** sections located in the

**REFERRAL/IDENTIFICATION SECTION** must be recorded as follows: **A002, A003, ...** for each additional charge at the time of the arrest. This way the multiple charges stemming from one arrest follow each other through disposition of the case under one TRN. **Failure to complete and submit a CR-44J for each multiple charge stemming from one arrest means the offenses will not be reflected on the defendant's criminal history.**

- 4.** The arresting agency will fingerprint the juvenile utilizing the **CR-43J** fingerprint card and submit both the **CR-43J white page** and **fingerprint card** along with the **white page** of any **CR-44J's** to DPS within **seven (7) days** of arrest.
- 5.** The arresting agency must forward the **offense report, CR43-J and CR-44J (if applicable)** to the juvenile probation department within **ten (10) days** of the arrest. If the **offense report** and **CR-43J/CR-44J** are not received within **ten (10) days**, no action will be taken by the juvenile probation department on the case.

**Probation Department:**

The probation department will enter the juvenile's referral, TRN and **Tracking Incident Suffix (TRS)** into **Caseworker** if received within the required time frame and schedule an intake appointment with the juvenile.

The probation department can elect one of three things but whichever action the probation department takes, the probation designee must report their **Pre-Adjudication action** either by hard copy utilizing the **CR-43J** or online at the **Texas Department of Public Safety's Computerized Criminal History database** under **EDR**. They must maintain a copy or printout of the **CR-43J/CR-44J** reflecting the department's action for placement in the juvenile's file.

- 1. Reject the Charge:** The probation department can reject the case or close the case through a supervisory caution if there is sufficient criteria to warrant this action. The probation department will complete the **first two blue lines** of the **Pre-Adjudication** section with appropriate codes and forward the **blue and green CR-43J/CR-44J** form to DPS. A copy of the **CR-43J/CR-44J** will be placed in the juvenile's file.

**2. Refer to Prosecutor:** If the juvenile's offense requires court action or a review by the prosecutor, the probation department will complete the first two lines of the blue **Pre-Adjudication Section** on the **CR-43J/CR-44J** and forward it to the prosecutor's office along with a copy of the offense report and Request for Petition or Request for Review. A copy of the **CR-43J/CR-44J** will be placed in the juvenile's file.

**3. Deferred Prosecution:** If the probation department elects to place the juvenile on deferred prosecution, the probation department will complete the first two lines of the **Pre-Adjudication Section** and the **Required Programs sections** located on the bottom of the blue **CR-43J/CR-44J** and forward the **blue and green CR-43J/CR-44J** to DPS within **30 days**. If the prosecutor returns the case to juvenile probation and recommends Deferred Prosecution through the probation department, juvenile probation will complete the **fifth line** of the blue **CR-43J/CR44J Pre-Adjudication** section and the **Required Programs** section and send the **blue and green CR-43J/CR-44J** form to DPS within **30 days**. A copy of the **CR-43J/CR-44J** will be placed in the juvenile's file.

**1. Probation Termination:**

- a. Probation Termination is recorded using only the **CR-44J Supplemental Reporting Form** and the preprinted **TRN** from the original **CR-43J** reflecting the case's disposition.
- b. The probation department will run a **Sneak-A-Peek** through **Caseworker** by the **10<sup>th</sup>** day of the following month for all deferred prosecution probation terminations.
- c. The probation department will report the probation termination to DPS by completing a **CR-44J**. The probation department will record the original **CR-43J TRN** in the **top left hand empty box of the CR-44J**, complete the first two lines of the **Pre-Adjudication Section** of the **CR-44J** showing the juvenile's probation has terminated. The probation department will forward the entire **CR-44J** form to DPS within **30 days** of probation termination while maintaining a copy in the juvenile's file.

### **Prosecutor:**

The prosecutor can elect one of the three following but whichever action the prosecutor takes, the prosecutor's designee must report their **Pre-Adjudication action** either by hard copy utilizing the **CR-43J** or online at the **Texas Department of Public Safety's Computerized Criminal History database** under **EDR**. They must provide a copy or printout of the **CR-43J** to the probation department reflecting the prosecutor's action for placement in the juvenile's file.

- 1. Return to Probation:** If the prosecutor returns the case to juvenile probation for disposition, the prosecutor's administrative assistant will complete the **blue shaded Pre-Adjudication Section** on the **CR-43J/CR-44J** and return the blue **CR-43-J/CR-44J** to the probation department. Juvenile probation will complete the **fifth line** of the blue **CR-43J/CR-44J Pre-Adjudication** section and the **Required Programs** section using the appropriate codes and forward the **blue and green CR-43J/CR-44J** form to DPS within **30 days** while maintaining a copy in the juvenile's file.
- 2. Proceed with Court Action:** If the prosecutor files a petition, the administrative assistant will complete the **blue shaded Pre-Adjudication** section and forward the **blue CR-43J/CR-44J** form to DPS within **30 days** while maintaining a copy in the juvenile's file. The prosecutor will attach the **green CR-43J/CR-44J** form to the petition and file it with the District Clerk.
- 3. Reject the Charge:** If the prosecutor elects to reject the charge, reduce the charges or takes the offense into consideration with another charge's adjudication, the prosecutor will complete the **blue shaded Pre-Adjudication** section with appropriate codes and forward the **blue and green CR-43J/CR-44J** form to DPS within **30 days** while maintaining a copy in the juvenile's file.

### **District Clerk:**

The District Clerk is responsible for completing the **CR-43J Court Section, Required Programs** and the **CR-44J for Court Ordered Probation Extensions, Modifications and/or Terminations** of juvenile offenders. The District Clerk must report their **Court Section and Required Programs** either by hard copy utilizing the **CR-43J** or online at **Texas Department of Public Safety's Computerized Criminal History database** under **EDR**. They must provide a copy or printout of

the **CR-43J** to the probation department reflecting the **CR-43J/CR-44J** has been submitted to DPS within 30 days for placement in the juvenile's file.

**1. Adjudications/Dispositions:**

The District Clerk will complete the **green Court Section** of the **CR-43J/CR-44J** with appropriate codes and the **Required Programs** section and forward the **green CR-43J/CR-44J** form to DPS within 30 days of disposition while maintaining a copy in the juvenile's court file. The District Clerk will forward a copy of the completed **CR-43J/CR-44J** to the prosecutor and juvenile probation for placement in their respective files showing the juvenile's court activity has been reported to DPS.

**2. Probation Extension or Modification:**

Upon receipt of court order extending or modifying the juvenile's probation, the District Clerk will report the probation extension or modification to DPS by completing a **CR-44J**. The District Clerk will record the original **CR-43J TRN** in the **top left hand empty box of the CR-43J reflecting the offense and probation to be modified**, complete the first five lines of the **Court Section** of the **CR-44J** showing the juvenile's probation has extended and/or modified using the appropriate codes. The District Clerk will forward the entire **CR-44J** form to DPS within **30 days** of probation extension or modification while maintaining a copy in the juvenile's court file. The District Clerk will forward a copy of the completed **CR-44J** to the prosecutor and probation department for placement in their respective files showing the probation's extension and modification has been reported to DPS.

**3. Probation Terminations:**

Upon receipt of court order terminating the juvenile's probation, the District Clerk will report the probation termination to DPS by completing a **CR-44J**. The District Clerk will record the original **CR-43J TRN** in the **top left hand empty box of the CR-43J reflecting the offense and probation to be terminated**, complete the first five lines of the **Court Section** of the **CR-44J** showing the juvenile's probation has been terminated using the appropriate codes. The District Clerk will forward the entire **CR-44J** form to DPS within **30 days** of probation termination while maintaining a copy in the juvenile's court file. The District Clerk will forward a copy of the

completed **CR-44J** to the prosecutor and probation department for placement in their respective files showing the probation's termination has been reported to DPS.

#### **Section IV: Problem Areas Associated with Compliance to Chapter 60 Reporting Requirements**

The main problems identified regarding compliance to Chapter 60 Reporting Requirements are outlined below.

- 1.** Over the past 14 years, **Lavaca County Arresting Agencies, Prosecutors, County Clerks, District Clerks, Juvenile Probation** have experienced **sporadic, minimal contact** and **no onsite training** for **CR-43J** and **CR-44J** from **CJIS Field Representatives** assigned the Lavaca County region.
- 2.** Lavaca County has a very low juvenile population and therefore any incomplete section of the **CR-43J** or **CR-44J** will cause Lavaca County to experience a percentage below the minimum 90%.
- 3.** For the past 14 years, juvenile probation has corrected incorrect ORI numbers and completed the **Pre-Adjudication** and **Court Sections** for the prosecutor and district clerk as well as juvenile probation due to small caseloads of juvenile offenders. Overtime, juvenile probation officers job requirements have increased and expanded causing delays in completing the **CR-43J** and **CR-44J** in a timely manner as well as submitting the forms to DPS.
- 4.** Lavaca County is comprised of the following arresting agencies listed below and turnover can be frequent within some of the departments assigned to complete the **CR-43J** and **CR-44J** forms.

**Hallettsville Police Department**  
**Shiner Police Department**  
**Moulton Police Department**  
**Yoakum Police Department**  
**Lavaca County Sheriff's Department**

- 5.** Some arresting agencies use old **CR-43J/CR-44J** or blank **CR-43J** forms with no pre-printed **TRN** number. Therefore completing the **CR-44J** is delayed until a **TRN** is assigned to the **CR-43J**.

- 6.** Some arresting agencies assign a new **CR-43J** to each multiple referral during one arrest which assigns it a new **TRN** number instead of using the **CR-44J Supplemental Criminal History Forms** and completing the **TRS** box with **A002, A003**.
- 7.** Some arresting agencies submit to juvenile probation the original **CR-43J** with complete and/or incomplete information and fingerprint card along with the offense report instead of forwarding the white sheet and fingerprint card directly to **DPS**.
- 8.** Some arresting agencies do not complete the **Mandatory Sections 1-54** under the **Referral/Identification** section completely; continue to use an old assigned **ORI** number from 1996 (**TX089015G**) for juvenile probation instead of the current **ORI** number (**TX143013G**) and frequently put their arresting agency **ORI** number in both the **Referring Agency** and **Referral Agency** boxes.

**Section V: Plan to address remediation of the problems identified in Section IV**

- 1.** Beginning December 1, 2009, the following agencies listed below will complete their assigned sections on the **CR-43J** and **CR-44J** and forward said documents to the appropriate agency in time frame outlined above.

<b>Arresting Agency</b>	<b>Referral/Identification</b>
<b>Juvenile Probation</b>	<b>Pre-Adjudication – Line 1&amp; 2, and 5 if required</b>
	<b>Required Programs – if applicable</b>
<b>Prosecutor</b>	<b>Pre-Adjudication – 2 shaded lines</b>
<b>Court</b>	<b>Court Section and Required Programs</b>

- 2.** Beginning with the initial arrest, all arresting agency will utilize current **DPS** issued **CR-43J Juvenile Justice Reporting Forms** with **pre-printed TRN numbers** located at the top left hand corner. Failure to use pre-printed forms will cause delays in accurate reporting to **DPS** as well as hinder the flow of information throughout the agencies. The arresting agency will record the **assigned pre-printed TRN numbers from CR-43J** to the **CR-44J Supplemental Reporting Forms** and complete the **TRS** box to show additional charges.



- 3.** A **CR-44J Supplemental Criminal History Reporting** form will be used for each additional charge at the time of arrest. The **CR-44J's TRN** box will be completed using the **preprinted CR-43J's TRN number** to show continuity. The **CR-44J's TRS** sections located in the **REFERRAL/IDENTIFICATION SECTION** must be recorded as follows: **A002, A003, ...** for each additional charge at the time of the arrest. This way the multiple charges stemming from one arrest follow each other through disposition of the case under one **TRN**. **Failure to complete and submit a CR-44J for each multiple charge stemming from one arrest means the offenses will not be reflected on the defendant's criminal history.**
- 4.** The arresting agency will fingerprint the juvenile utilizing the **CR-43J** fingerprint card and submit both the **CR-43J white page, fingerprint card** along with the **white page** of any **CR-44J's** to DPS within **seven (7) days** of arrest with the correct ORI numbers for the **Referring Agency and Referral Agency** boxes.
- 5.** The arresting agency will forward the **offense report, CR43-J and CR- 44J (if applicable)** to the juvenile probation department within **ten (10) days** of the arrest. If the **offense report** and **CR-43J/CR-44J** are not received within **ten (10) days**, no action will be taken by the juvenile probation department on the case.

  - a.** Each arresting agency will access their juvenile arrests database weekly to ensure the **offense report, CR43-J and CR-44J (if applicable)** has been forwarded to the juvenile probation department within **ten (10) days** of the arrest.
- 6.** The juvenile probation designee will access the **Texas Department of Public Safety's Computerized Criminal History (CCH) database** for the **County Arrest Report**. By the **10<sup>th</sup>** day of the following month, the juvenile probation designee will review the **County Arrest Report** to make sure there are no open juvenile arrests.

If a juvenile open arrest appears, the juvenile probation designee will view the juvenile's **CCH** to determine which section of the **CR-43J/CR-44J** is incomplete and notify the appropriate agency responsible for that section in writing.

**7.** Beginning in 2009 and each subsequent year thereafter, the juvenile probation designee will access the **Texas Department of Public Safety's Computerized Criminal History database** for the **County Arrest Report**, by the **30<sup>th</sup> day of July** of the following year. The juvenile probation designee will review the **County Arrest Report** to make sure there are no open juvenile arrests for the preceding year just completed.

If a juvenile open arrest appears, the juvenile probation designee will view the juvenile's **CCH** to determine which section of the **CR-43J/CR-44J** is incomplete and notify the appropriate agency responsible for that section in writing.

The purpose of this is to eliminate as many open arrests on a monthly basis with the goal of no open arrests for the preceding year six months into the next year, hence the July date.

- 8.** Beginning January **2013**, the County Attorney, District Clerk and Juvenile Probation department will electronically submit **CR43J/CR44J** to **DPS**.
- 9.** During the **2010** Calendar year, a representative for the juvenile probation department and local law enforcement agency will provide on-site **CR-43J/CR-44J** training to the five law enforcement agencies in Lavaca County.